

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS**

Kenneth Allen Pruitt, pro se
on behalf of himself "Plaintiff",

vs.

Defendants Joseph Robinette Biden Jr.
and John Forbes Kerry, acting alone,
or in concert, in a purported
official capacity

and
US Department of Treasury (USDT),
US Environmental Protection Agency
(EPA)
US National Institute of Environmental
Health Sciences (NIEHS),
acting alone, or in concert,
and
head of USDT Steven Terner Mnuchin,
head of EPA Andrew Wheeler
head of NEIHS Rickard Woychik

and heads of USDT, EPA, and NIEHS
unnamed for 2021 and later due election
transition,
said heads named individually in his/her
official capacity and when not acting in
his/her official capacity but acting ultra
vires,
acting either alone or with unknown and
unnamed other persons improperly causing
violations of USA domestic law referenced
within 2006 USA entry to 2003-31-OCT
MERIDA UNITED NATIONS
CONVENTION AGAINST
CORRUPTION (UNCAC) and/or violate
UNCAC',
collectively "Defendants".

**CASE NO. 9:21CV13RC/2H
Filed January 19, 2021**

**MOTION FOR
TEMPORARY
RESTRAINING ORDER**

AND

**REQUEST FOR
ADDITIONAL
INJUNCTIVE AND
DECLARATORY RELIEF**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JAN 21 2021
BY
DEPUTY _____

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND
REQUEST FOR ADDITIONAL INJUNCTIVE
AND DECLARATORY RELIEF
CASE NO. 9:21CV13RC/2H
Filed January 19, 2021
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS**

Exhibit 1 hereto is proof that Plaintiff's Complaint Case No: 9:21CV13RC/2H raises genuine Constitutional questions for this Court, not mere "political questions". Plaintiff's Constitutional questions are not moot.

Exhibit 1 is also proof that Plaintiff needs immediate protection of this Court, as requested by this Motion.

In Exhibit 1 issued yesterday January 20, 2021, Defendant Biden refers "to Paris Agreement, done at Paris on December 12, 2015".

In Exhibit 1, Defendant Biden then "accepts every article and clause thereof on behalf of the United States of America."

Plaintiff requests immediate relief by restraint of Defendants until this Court determines scope of Defendants' Constitutional authority regarding subject matter of Plaintiff's Complaint. Plaintiff incorporates the allegations of above cited Plaintiff's Complaint as if fully set forth herein.

"Paris Climate Accord" or "PCA" is also called "Paris Climate Agreement", "Paris Agreement", "Paris Accord", or "Accord du Paris" in references cited in Plaintiff's Complaint.

That is, in Exhibit 1, Defendant Biden purports to accept for USA, creating financial and associated tax burdens on Plaintiff and other USA taxpayers, the burdens imposed by PCA which United Nations' official records states is a Treaty:

"The **Paris Agreement** is a **legally binding international treaty on climate change**. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016."

Above is from <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>, which was issued by Secretariat of the United Nations Framework Convention on Climate Change, located at Bonn, Germany, with email at secretariat@unfccc.int and web site at <http://unfccc.int>

Creating detrimental reliance by the World and burdening Plaintiff and other USA taxpayers, Defendant Biden in Exhibit 1 purports to "accept the said Agreement [PCA] and every article and clause thereof on behalf of the United States of America."

Plaintiff's again asserts that Plaintiff's case provides this Court with jurisdiction to:

(a) determine that which is hard to believe:

"It is hard to believe that the United States would enter into treaties that are sometimes enforceable and sometimes not. Such a treaty would be the equivalent of writing a blank check to the judiciary. Senators could never be quite sure what the treaties on which they were voting meant. Only a judge could say for sure and only at some future date. This uncertainty could hobble the United States' efforts to negotiate and sign international agreements."

"To read a treaty so that it sometimes has the effect of domestic law and sometimes does not is tantamount to vesting with the judiciary the power not only to interpret but also to create the law."

Above quotes are of Chief Justice Roberts' in *Medellin v. Texas* 552 U.S. 491 (2008) at 510, 511, and

(b) issue attached order to restrain Defendant Biden and those acting in concert with him because "the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U. S. 579, 587 (1952) cited in *Medellin v. Texas* 552 U.S. 491 (2008) at 528.

(c) order Defendant Biden and those acting in concert with him to not execute other documents which Secretariat of the United Nations Framework Convention on Climate Change considers, or may consider, to be a treaty without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

Exhibit 1 goes beyond mere making a Treaty because Defendant Biden "accepts every article and clause thereof on behalf of the United States of America."

Yesterday January 20, 2021 Press reports that Defendant "Biden has pledged to bring the U.S. to net-zero greenhouse gas emissions by 2050."

<https://earthier.gizmodo.com/joe-biden-is-putting-the-u-s-back-in-the-paris-agreeme-1846095865>

Upon later hearing enabled by this Exhibit 2 Order of Restraint on Defendant Biden and those acting in concert with Defendant Biden, this Court can find that their acts or omissions are improper conduct concerning conclusions of the Energy Transitions Commission that "...achieving a zero-carbon emissions economy will have only a trivial gross impact (<1%) on attainable 2050 living standards, in either developed or developing economies...".

<https://www.energy-transitions.org/wp-content/uploads/2020/09/Making-Mission-Possible-Full-Report.pdf>

Plaintiff's Complaint provides basis fully supporting Exhibit 2 Order for restraint that requires Defendant Biden to show cause why emissions reductions are not binding nor enforceable under PCA yet United Nations treats PCA as a treaty. Plaintiff incorporates the allegations of above cited Plaintiff's Complaint as if fully set forth herein and again claims emissions reductions mentioned PCA are not enforceable or binding since such reductions are found within non-binding attachments of Intended Determined Nationally Determined Commitments (INDC) which each country proposes and conditions.

Plaintiff asks that the attached Order Exhibit 2 be issued *ex parte* without hearing due to

(1) fact that Defendant Biden acted yesterday January 20, 2021 according to Exhibit 1, and may make additional improper acts or omissions during immediate next 30 days,

(2) fact that Defendant Biden's act of yesterday January 20, 2021 according to Exhibit 1 creates detrimental reliance by the World including the United Nations

and/or by foreign countries that the USA is entering into a Treaty, without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2

(3) fact, of which Plaintiff asks this Court to take Judicial notice:

DEPARTMENT OF TREASURY, ETHICS HANDBOOK, APPENDIX A: Executive Order 12731 October 17, 1990 "Principles of Ethical Conduct for Government Officers and Employees" Section 101. Principles of Ethical Conduct:

"F. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government." (1990 Principles)

(4) according to above cited press, absent Order from this Court to protect Plaintiff taxpayer, Defendants may begin, without proper Congressional authorization where two thirds of the Senators present concur as required by Constitution Article II, Section 2, to hire personnel or contractors or make payments to the United Nations or to foreign countries or incur other putative expenses. Plaintiff asks this Court to take judicial notice that prior to Defendant Biden's inauguration, USA ended its contributions to the Green Climate Fund, which is the United Nations' grant-making body that provides resources for international climate action. Defendants' improper reinstatement of funding any of Green Climate Fund diverts away from, and harms Plaintiff's mineral interests which include fossil fuels, without equal protection enabled by proper Senate consideration versus unilateral acts of Defendants.

(5) the need for Exhibit 2 restraining order is urgent since Defendants' act of Exhibit 1 may subject to the USA to being treated as having entered PCA as a Treaty within thirty (30) days (by February 19, 2021),

For all Defendants who are USA Officials, Agencies and/or employees of said Agencies such as USDT, EPA and EIHES, Plaintiff requests this Court to take judicial notice of their official government addresses to which the attached Order can be addressed.

If this Court requires a hearing before grant of this Order, Plaintiff requests, due to COVID-19 risks, a telephonic hearing. Plaintiff respectfully informs the Court that Plaintiff pro se is 75 years old and is hearing impaired and may need and request others to assist him at a hearing.

Dated: January 21, 2021

Respectfully submitted,

By: /s/ Kenneth Allen Pruitt

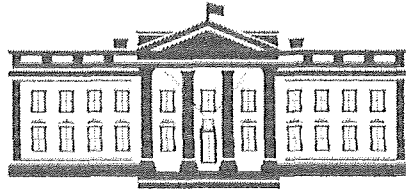
A handwritten signature in cursive script, reading "Kenneth Allen Pruitt". The signature is written in dark ink and is positioned above a horizontal line.

Kenneth Allen Pruitt, pro se

on behalf of himself "Plaintiff",

Kenneth A. Pruitt
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Exhibit 1
to
MOTION FOR TEMPORARY RESTRAINING ORDER
AND
REQUEST FOR ADDITIONAL INJUNCTIVE AND DECLARATORY RELIEF
CASE NO. 9:21CV13RC/2H
Filed January 19, 2021
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS



THE WHITE HOUSE
WASHINGTON

January 20, 2021

FOR IMMEDIATE RELEASE

January 20, 2020

ACCEPTANCE ON BEHALF OF THE UNITED STATES OF AMERICA

I, Joseph R. Biden Jr., President of the United States of America, having seen and considered the Paris Agreement, done at Paris on December 12, 2015, do hereby accept the said Agreement and every article and clause thereof on behalf of the United States of America.

Done at Washington this 20th day of January, 2021.

JOSEPH R. BIDEN JR.

###

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The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500 · USA · 202-456-1111

Exhibit 2

**TEMPORARY RESTRAINING ORDER
CASE NO. 9:21CV13RC/2H
Filed January 19, 2021
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS**

Until further notice from this Court,

"PCA" means "Paris Climate Accord" and is also called "Paris Climate Agreement", "Paris Agreement", "Paris Accord", or "Accord du Paris" in references cited in above numbered case for Plaintiff's Complaint.

1. Defendants, their subordinates, agents, employees, and all others acting alone or in concert with them are hereby ordered to not sign any document purporting to cause USA to re-enter PCA or enter replacement PCA, or any other material climate related arrangement with one or more foreign nations substituting for PCA, without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

2. Defendants Biden and Kerry are hereby ordered to not act in a manner intended to cause, and instruct their subordinates, agents, employees, and all others acting for the Executive Branch in concert with them to not act in a manner intended to cause, detrimental reliance by members of the USA public or one or more foreign nations that USA has entered or will re-enter PCA or enter replacement PCA, or any other material climate related arrangement with one or more

foreign nations substituting for PCA, without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

3. Defendants Biden and Kerry acting alone, or in concert, and USDT, EPA, and NIEHS acting alone, and USDT, EPA and NIEHS in concert, and their subordinates, agents, employees, and all others acting in concert with them, are hereby ordered to not assert to the USA public and foreign nations the idea that they have authority or power to be an environmental lawmaker or have power to bind USA to a non-self executing treaty related to the environment.

4. Defendants Biden and Kerry acting alone, or in concert, and USDT, EPA and NIEHS acting alone, and USDT, EPA, and NIEHS in concert, and their subordinates, agents, employees, and all others acting in concert with them are hereby ordered to not cause USA to be a signatory to any protocol to, or other agreement regarding 1992 UNFCCC at negotiations in Kyoto in December 1997 or thereafter which would: (1) mandate new commitments to limit or reduce greenhouse gas emissions for UNFCCC Annex 1 Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period; or (2) result in serious harm to the U.S. economy, without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

5. Defendants Biden and Kerry acting alone, or in concert, and USDT, EPA, and NIEHS and acting alone, and USDT, EPA, and NIEHS in concert, and their subordinates, agents, employees, and all others acting in concert with them, are hereby ordered to not spend or transfer funds or make grants, loans or contracts for activities, directly or indirectly, having a primary or

majority purpose or effect to support or expand PCA , without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

6. Defendants, their subordinates, agents, employees, and all others acting in concert with them are hereby ordered to not continue expenditures of money for activities directly or indirectly in support of PCA, without "Advice and Consent of the Senate" and where "two thirds of the Senators present concur", as required by Constitution Article II, Section 2.

**So Ordered by
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS**

Judge, Lufkin Division